

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

BIBI DE MALMANCHE,

Plaintiff,

-against-

GLENROCK ASSET MANAGEMENT  
ASSOCIATES, L.P., GLENROCK, INC. and  
REYNARD ASSET MANAGEMENT, INC.,

Defendants.

07-CV-10940 (KNF)

**NOTICE OF MOTION**

PLEASE TAKE NOTICE that upon the attached Affidavit of Mark J. Hyland, sworn to on August 15, 2008 and on all of the pleadings and prior proceedings had herein, Defendants Glenrock Asset Management Associates, L.P., Glenrock, Inc. and Reynard Asset Management, Inc. (collectively, "Defendants") move this Court, at the United States Courthouse located at 500 Pearl Street, Courtroom 18B, New York, New York 10007, (1) pursuant to Fed. R. Civ. P. 12(c) for an order (a) dismissing the Amended Complaint in its entirety for Plaintiff's failure to comply with the dispute resolution procedure set forth in the contract or, in the alternative, staying the proceedings until Plaintiff has exhausted this remedy; (b) dismissing Plaintiff's claims to the extent Plaintiff seeks recovery for investments concededly introduced by other third-party marketers, and not Plaintiff; (c) dismissing Plaintiff's claim for breach of the implied covenant of good faith and fair dealing; (d) dismissing Plaintiff's claim for unjust enrichment; (e) dismissing Plaintiff's claim for an accounting; and (2) for such other and further relief the Court deems just and proper.

PLEASE TAKE FURTHER NOTICE that, pursuant to the Court's Memo-  
Endorsed Letter dated July 21, 2008 (Docket No. 25), opposition papers are to be served on  
August 29, 2008 and Defendants' reply papers, if any, are to be served on September 5, 2008.

New York, New York  
August 18, 2008

SEWARD & KISSEL LLP

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